

ORDINANCE NO. 2019-06

AN ORDINANCE AMENDING THE COMMERCIAL STORAGE SHED REQUIREMENTS OF THE I-1 INDUSTRIAL ZONE.

BE IT ORDAINED by the City Council of Heber City, Utah, that Chapter 18.44 of the Heber City Municipal Code is **amended** to read as follows:

18.44 I-1 Industrial Zone

- 18.44.010 Objectives -- Characteristics
- 18.44.020 Permitted Primary Uses
- 18.44.025 Permitted Secondary Uses
- 18.44.030 Area Requirements
- 18.44.040 Setback Requirements
- 18.44.050 Height And Size Requirements
- 18.44.060 Special Provisions
- 18.44.065 Compatibility With Residential Zones
- 18.44.070 Supplementary Requirements
- 18.44.075 Commercial Storage Sheds

18.44.010 Objectives -- Characteristics

- A. The I-I industrial zone has been established for the primary purpose of providing a location where manufacturing, processing, warehousing and fabrication of goods and material can be carried on most appropriately and with minimum conflict or deleterious effects upon surrounding properties. Other objectives in establishing the zone are to promote the economic well-being of the people and to broaden the tax base.
- B. This zone is characterized by a mixture of industrial, manufacturing and processing establishments with intermittent open land that is served by streets, power, water and other utilities and facilities or where such facilities can be readily provided.
- C. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential characteristics of this zone, the regulations set out in this chapter shall apply in the I-I industrial zone.

18.44.020 Permitted Primary Uses

The following buildings, structures and uses of land shall be permitted in the I-1 Industrial Zone upon compliance with requirements as set forth in this Section:

- A. Accessory buildings and parking lots incidental and accessory to other permitted uses;
- B. Agriculture, farm machinery storage sheds, vegetable and fruit packing and processing plants, and livestock raising;
- C. Airport and associated activities;
- D. Earthmoving and equipment storage, gas and oil storage facilities, public buildings and public utility buildings, craft shops, and accessory signs;
- E. Fences, walls and hedges;
- F. Manufacturing, compounding, processing, packaging, fabrication and warehousing of goods and materials, except the processing of animal byproducts and livestock feed yards, and except steel manufacturing plants, oil refineries, wallboard manufacturing and similar establishments which emit offensive fumes, smoke, noise, dust, odor, etc.;
- G. Retail commercial uses and cafes; however, no retail commercial transaction nor business may be conducted within a storage shed.
- H. Scenic railroads and railroad maintenance yards;
- I. Water wells, utility transmission lines, dams, pumping plants, power plants, sewage treatment plants subject to review and approval of the State Division of Health;
- J. Commercial storage sheds; however, no commercial transaction nor business may be conducted within any storage shed.
- K. Other uses ruled by the Board of Adjustment to be similar to uses specifically permitted in the zone and which will harmonize with the objectives and characteristics of the I-1 Industrial Zone.

18.44.025 Permitted Secondary Uses

The following buildings, structures and uses of land shall be permitted in the I-1 Industrial Zone upon compliance with requirements as set forth in this Section. Secondary uses must accompany a primary use on the same lot or within the same building. The existence of secondary uses shall not limit the operation or extent of permitted primary uses within the I-1 Zone.

- A. An Accessory Apartment for the use of employees only. Such apartment shall be for temporary use such as inclement weather or late working situations. The apartment shall not be used as a rental or for long-term use for employees, owners, or anyone else.
- B. Nursery, day care, or preschools in support of a primary activity.
- C. Public Facilities for Special Events. Public Facilities for Special Events is defined as follows: A parcel used for overnight parking and lodging using RVs, travel trailers, temporary housing units, in conjunction with governmentally sanctioned, or sponsored public events.

18.44.030 Area Requirements

- A. There is no minimum lot area requirement and no maximum building size in the I-1 Industrial Zone.
- B. Each project approved under this section must be fully located within the I-1 industrial Zone.
- C. Limitations of Buildings Used for Retail Business.
 - 1. Findings. The Heber City Council makes the following findings:
 - a. One main intention of the Heber City Council in limiting the gross floor area of buildings used for retail business is to incorporate those goals and directives of the Heber City General Plan, including but not limited to those specific directives and provisions which identify the importance of and intentions surrounding the City center addressed in said General Plan.
 - b. The Heber City Council adopted the Heber City General Plan to guide and direct future development and land use decisions in Heber City.
 - c. The Heber City General Plan evidences the community's goals and objectives for the future of Heber City, and identifies the old town as the heart of the community, and makes the development and preservation of the City center critical to the General Plan's vision for Heber City's future.
 - d. The Heber City General Plan contemplates building on Heber's strengths from the inside out, by focusing on the City center including the existing central business district.
 - 2. Gross Floor Limitation, I-1 Zone.
Retail establishments shall not exceed 60,000 square feet of gross floor area within the I-1 Zone. No retail establishment shall be permitted to place any one building or any combination of buildings that exceed 60,000 square feet within said Zone. In no event shall any retail establishment, corporation, business, or entity have one or more buildings within less than 1,000 feet of each other, wherein the building or buildings would exceed a total of 60,000 square feet. Attempts to circumvent or exceed this maximum 60,000 square feet shall be strictly prohibited.
 - 3. Definitions. The following definitions shall apply to this Section, 18.44.030:
 - a. "Retail Establishments" means retail business or businesses, conducted in two or more buildings, where the retail business or businesses:
 - 1) are engaged in the selling of similar or related goods, wares or merchandise, and operate under common ownership or management, or
 - 2) share check stands, storage facilities, a warehouse, or a distribution facility, or
 - 3) otherwise operate as associated, integrated or co-operative business enterprises under common ownership or management.
 - b. "Combination of Buildings" means two or more buildings that are within 1,000 feet of each other as measured from the outside exterior walls of two of the buildings.

- c. "Common Ownership or Management" means owned, leased, possessed, managed or otherwise controlled, in any manner, directly or indirectly,
 - 1) by the same individual(s) or entity(ies), including but not limited to corporation(s), partnership(s), limited liability company(ies) or trust(s), or
 - 2) by different individuals or entities, including but not limited to corporations, partnerships, limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) with respect to the retail businesses, or where the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies).
- d. "Gross Floor Area" shall mean the sum of:
 - 1) the total horizontal area, in square feet, of all floors of a building, as measured at outside the exterior walls and including all interior courtyards, and
 - 2) the total horizontal area, in square feet, of all portions of the site outside of the exterior walls of buildings used for the display, storage, or sale of any goods, wares or merchandise. For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.
- e. "Retail Business" means a business engaged in the sale of goods to individual consumers, usually in small quantities, and not to be placed in inventory for resale. A retail business does not include: (a) health centers, governmental uses, community centers, theaters, or religious or fraternal uses, or (b) a business where retail sales are an incidental or accessory use to the primary use. This definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities, or other facilities owned by, or operated strictly for the benefit of, the public.

18.44.040 Setback Requirements

In the I-1 Zone, all buildings shall be set back at least thirty (30) feet from any public street right-of-way line. A ten (10) foot wide landscaped berm is required along all public street right-of-way frontages. In the event of competing set back requirements as a result of building code restrictions, the most restrictive shall govern.

18.44.050 Height And Size Requirements

All buildings in the I-1 Industrial Zone shall be limited in height to thirty-five (35) feet. No buildings taller than thirty-five (35) feet shall be permitted in the I-1 Industrial Zone except

as recommended by the Planning Commission pursuant to approval as a conditional use and approved by the City Council.

Upon application for a conditional use to exceed the thirty-five (35) foot height limitation for developments, the Planning Commission shall consider at a minimum, but shall not be limited to the following mitigating options and building restrictions as requirements for such conditional use permits.

- A. Airport land zone height restrictions.
- B. Proximity to residential zones.
- C. Access to solar, air, and light for nearby properties.
- D. Building design (roof height step downs, eaves).
- E. Roof design.
- F. Aesthetics.
- G. Compatibility with adjoining properties.

No building that receives a conditional use permit shall be approved over 60 feet in height.

18.44.060 Special Provisions

- A. Trees shall be planted along all street frontages. Trees should be planted at least one for every fifty (50) feet of street frontage.
- B. All storage doors, entrances into storage and warehousing, and parking in warehouse developments shall be accessed from internal private streets and driveways.
- C. All warehouse developments shall be fenced in a manner which will provide adequate security and a deterrent from public access.
- D. All outdoor lighting shall be shielded to direct light and glare only onto the premises.
- E. All off-street parking shall be hard-surfaced.
- F. Properties shall be kept in a clean and orderly manner. The storage of goods and materials shall occur within a building or behind an eight foot tall sight obscuring fence.

18.44.065 Compatibility With Residential Zones

When any industrial building or use adjoins any residential zone, a setback area containing a landscaped berm of at least four (4) foot tall and/or an eight (8) foot tall site obscuring fence shall be erected as a buffer between all industrial and residential zones, as determined by the Planning Commission. In the event the Planning Commission elects to require a landscaped berm, such berm shall contain evergreen trees at least four (4) foot tall and deciduous trees having a caliper of at least three (3) inches. In determining whether to require a fence, berm, or both, the Planning Commission shall consider at a minimum, but shall not be limited to the following factors:

- A. Compatibility with adjoining properties.
- B. The future use of the land.
- C. Intensity of industrial use.

- D. Proximity of residential units.
- E. Additional landscaping and screening.
- F. Fences and setbacks being used.

18.44.070 Supplementary Requirements

See also supplementary requirements and procedures applicable within the I-1 Industrial Zone.

18.44.025 Permitted Secondary Uses

The following buildings, structures and uses of land shall be permitted in the I-1 Industrial Zone upon compliance with requirements as set forth in this Section. Secondary uses must accompany a primary use on the same lot or within the same building. The existence of secondary uses shall not limit the operation or extent of permitted primary uses within the I-1 Zone.

- A. An Accessory Apartment for the use of employees only. Such apartment shall be for temporary use such as inclement weather or late working situations. The apartment shall not be used as a rental or for long-term use for employees, owners, or anyone else.
- B. Caretaker dwellings when accompanying a Commercial Storage Facility.
- C. Nursery, day care, or preschools in support of a primary activity.
- D. Public Facilities for Special Events. Public Facilities for Special Events is defined as follows: A parcel used for overnight parking and lodging using RVs, travel trailers, temporary housing units, in conjunction with governmentally sanctioned, or sponsored public events.

18.44.075 Commercial Storage Sheds

In addition to other applicable development requirements of this Title, Commercial Storage Sheds shall meet the following requirements:

A. Storage Unit Limitations.

1. Primary Street Limitations.
 - a. No more than 25 percent of a lot's frontage along a Principal Arterial, Minor Arterial, or Collector Street as designated upon the City's Transportation Plan may be devoted to storage units. This limitation does not apply to accessory buildings that are located behind a main building.
 - b. No more than 75 percent of a main building's ground floor area that fronts upon a Principal Arterial, Minor Arterial or Collector Street as designated on the City's Transportation Plan may be devoted to storage units.
2. Secondary Street Limitations.
 - a. No more than 50 percent of a lot's frontage along any public street not designated as a Principal Arterial, Minor Arterial or Collector Street on

- the City's Transportation Plan may be devoted to storage units.
- b. No more than 75 percent of a main building's ground floor area that fronts upon any public street not designated as a Principal Arterial, Minor Arterial or Collector Street on the City's Transportation Plan may be devoted to storage units. This limitation does not apply to accessory buildings that are located behind a main building.
3. In the event of a corner lot or double frontage lot fronting two Arterial or two Collector Streets as identified on the City's Transportation Plan, the Land Use Authority shall choose one street to designate for the Primary Street Limitations and one street to designate for the Secondary Street Limitations.
 4. Required non-storage structures shall be built prior to or concurrently with construction of the Storage Units.
 5. All storage of any items within Commercial Storage Unit facilities, including vehicles, shall be located under a roof.
- B. **Caretaker Dwellings.** Each Commercial Storage Facility may include one caretaker dwelling to accommodate professional management living onsite.
- C. **Driveway Access.** All storage doors, parking and accesses into Commercial Storage Shed facilities shall be accessed from internal private streets and driveways, not from public streets.
- D. **Fencing.** All Commercial Storage Shed establishments shall be fenced in a manner which will provide adequate security and a deterrent from public access, except for indoor climate controlled facilities. Along any Principal Arterial, Minor Arterial or Collector Street as designated on the City's Transportation Plan, Fencing shall not utilize chain-link, barbed wired or galvanized steel.
- E. **Supplemental Requirements.** All other development requirements of the City applicable to non-residential development shall apply to Commercial Storage Sheds.
- F. **Architecture.** Commercial Storage Shed building elevations facing a Principal Arterial, Minor Arterial or Collector Street as designated on the City's Transportation Plan shall:
1. Have multi-pitched roof lines through the use of dormers and gables, or the like, whether real or false façade;
 2. Have at least 30% brick, stone or decorative block/CMU;
 3. Not utilize metal on the wall surface or stucco on more than 20% of the wall surface. This prohibition does not preclude the use of steel doors or the use of

structural steel for architectural elements such as awnings, covered walkways, etc.

G. Commercial Storage Shed Facilities are not limited as per gross floor area as per Section 18.44.030 C.2.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this 4 day of June 2019.

	AYE	NAY	ABSENT	ABSTAIN
Jeffery M. Bradshaw	<u>X</u>	_____	_____	_____
Jeffrey Smith	<u>X</u>	_____	_____	_____
Ronald R. Crittenden	_____	<u>X</u>	_____	_____
Heidi Franco	<u>X</u>	_____	_____	_____
Wayne Hardman	<u>X</u>	_____	_____	_____

APPROVED:

Kelleen L. Potter
Mayor Kelleen L. Potter



ATTEST:

Trina Wadlee Date: 6/4/2019
RECORDER